

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

SCOTT HATHCOCK

PLAINTIFF

V.

CIVIL ACTION NO.2:07CV04-P-A

INTERNATIONAL TRUCK AND
ENGINE CORPORATION

DEFENDANT

REPORT AND RECOMMENDATION

This matter is before the court *sua sponte*. On June 11, 2007, the undersigned ordered that “the plaintiff must, on or before July 5, 2007, file with the court a written statement regarding why he has failed to comply with the court’s order and to advise the court whether he will proceed *pro se*.” The court warned plaintiff that his failure to file a written statement with the court would result in a recommendation that this case be dismissed for failure to prosecute. Because the plaintiff has wholly failed to comply with the June order, the undersigned recommends that this action be dismissed without prejudice based upon his failure to prosecute.

The parties are referred to 28 U.S.C. §636(b)(1)(B) and FED. R. CIV. P. 72(b) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within ten (10) days of this date and “a party's failure to file written objections to the proposed findings, conclusions, and recommendation in a magistrate judge's report and recommendation within 10 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking

on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” *Douglass v. United Services Automobile Association* , 79 F.3d 1415, 1428-29 (5th Cir. 1996) (*en banc*) (citations omitted).

Respectfully submitted, this the 17th day of July, 2007.

/s/ S. ALLAN ALEXANDER
UNITED STATES MAGISTRATE JUDGE